

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ROSE CASE,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

CIVIL ACTION
No. 09-2058-KHV-GBC

ORDER

Rose Case appeals the final decision of the Commissioner of Social Security denying disability insurance benefits under Section 216 (i) and 223 of the Social Security Act, 42 U.S.C. §§ 416(i), 423. On November 23, 2009, Magistrate Judge Gerald B. Cohn recommended that the Commissioner’s decision be reversed and that the case be remanded pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings. See Report And Recommendation (Doc. #11). The deadline for filing written objections to the report and recommendation was December 8, 2009. The parties have not objected. The Court hereby adopts the Report And Recommendation (Doc. #11) in its entirety.

IT IS THEREFORE ORDERED that the Commissioner's decision be and hereby is **REVERSED**. This case is **REMANDED** pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with the Report And Recommendation (Doc. #11) filed November 23, 2009.

Dated this 23rd day of December, 2009 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge